

REMARKS

In the Office Action¹, the Examiner rejected claims 6-13 under 35 U.S.C. § 112, first paragraph; rejected claims 6-13 under 35 U.S.C. § 112, second paragraph; and rejected claims 6-13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,714,797 to Rautila ("*Rautila*").

Applicant amends claims 6, 7, 9, 10, 11, and 13. Claims 6-13 remain pending.

The Examiner rejected claims 6-13 under 35 U.S.C. § 112, first paragraph because the claims "fail[] to comply with the written description requirement . . . claim(s) contain subject matter, which was not described in the specification" (Office Action at page 2). The Examiner states, "[i]ndependent claims 6 and 10 contain the limitation 'obtaining an identification code for individually identifying the retrieved electronic content item'" even though "[n]o support for this new amendment can be found in the applicant's disclosure" (Office Action at page 3).

Applicants have amended claims 6 and 10 to recite "obtaining an identification code, via a first communication channel, for identifying the electronic content item, wherein the identification code corresponds to the electronic content item." The following excerpts from Applicant's specification are examples of teachings that support the claims in full compliance with 35 U.S.C. § 112, first paragraph:

The editing system 12 records, in an ID server 15, identification codes (ID codes) for specifying pieces of music recorded in the online server 13 in the above manner. By way of example, code "ABC-0010" is assigned to music content A corresponding to artist "AAAA" and title "TTTT", and code "ABC-00111" is assigned to music content B corresponding to artist "BBB" and title "UUUU" (Paragraph 0061).

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

The store terminals 5A to 5N simultaneously download an ID code corresponding to each music content from the ID server 15 of the online system 8A, whereby an ID server 19 is formed (Paragraph 0069).

Applicant submits that paragraphs 0061 and 0069, among others, support the limitation of: "the identification code corresponds to the electronic content item" as recited in claims 6 and 10.

The Examiner further states, claims 6 and 10 recite the limitation a "second communication channel being different from the first communication channel" even though "[t]he disclosure does not teach a first and a second communication channel nor that these two communication channels are different" (Office Action at page 3).

Applicant respectfully disagrees.

The following excerpts from Applicant's specification are examples of teachings that support the claims in full compliance with 35 U.S.C. § 112, first paragraph:

This enables, in the goods distribution system 1, retrieval of purchasable music at the store terminals 5A to 5N by using a mobile phone which is a personal information terminal and which is linked to a line having a data transfer speed lower than that of a line serving for music downloading as described later (emphasis added) (Paragraph 0059).

The store terminals 5A to 5N are computers which are formed similarly in shape to automatic teller machines for banks, etc., and into which the memory card 16 can be loaded, and are connected to the online system 8A of the management center 8 via a dedicated line having a transmission speed higher than that of a link for the mobile phone 6A (emphasis added) (Paragraph 0069).

Applicant submits that paragraphs 0059 and 0069, among others, support the limitation of: a "second communication channel being different from the first communication channel" as recited in claims 6 and 10.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 6-13 under 35 U.S.C. § 112, first paragraph.

The Examiner rejected claims 6-13 under 35 U.S.C. § 112, second paragraph because the claims "fail[] to particularly point out and distinctly claim the subject matter which applicant[s] regard as the invention" (Office Action at page 3). The Examiner states, because independent claims 6 and 10 recite the limitations "retrieving the selected electronic content item via a first communication channel" and then "enabling the customer to download the purchased electronic content item," "[i]t is not clear why the electronic content item is being retrieved prior to the step of inputting the identification code at the store information terminal" (Office Action at page 3). The Examiner also states, it is "unclear why the electronic content item is being downloaded after being purchased since the electronic content item has already been retrieved in the retrieving step" (Office Action at page 3-4). Finally, the Examiner states, "it is not clear whether the 'purchased electronic content item' is the same as 'the selected electronic content item' in the retrieving step" (Office Action at page 4).

Applicants have amended claims 6 and 10 to no longer recite the limitation "retrieving the selected electronic content item via a first communication channel."

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 6-13 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the rejection of claims 6-13 under 35 U.S.C. § 102(b) as being anticipated by *Rautila*.

Independent claim 6, as amended, recites a method comprising, "obtaining an identification code, via a first communication channel, for identifying the electronic content item, wherein the identification code corresponds to the electronic content item." *Rautila* does not disclose at least the obtaining means of claim 6.

Rautila discloses, “a unique order number is transmitted to mobile station 10 by the electronic shop server 40 in operation 400” (col. 6, lines 37-38). *Rautila* also discloses, “whether the user selects to download the digital product at hotspot network 59 location or via cellular transmission, the user 20 then receives a unique order number in operation 840” (col. 8, lines 31-34). Finally, *Rautila* discloses, “receiving through the mobile network a unique order number corresponding to the mobile device, the ordered digital product, and the identified hotspot network” (col. 9, lines 61-62).

In contrast, claim 6 recites an “identification code correspond[ing] to the electronic content item.” Even assuming that the “unique order number” of *Rautila* could correspond to the claimed “identification code,” “corresponding to the mobile device, the ordered digital product, and the identified hotspot network” as taught in *Rautila* cannot constitute “correspond[ing] to the electronic content item” (emphasis added) as recited in claim 6.

Furthermore, independent claim 6, as amended, recites a method comprising, “enabling the customer to view commodities or services that are available for purchase, in addition to the electronic content items, at the store information terminal.” *Rautila* does not disclose anything related to “enabling the customer to view commodities or services that are available for purchase.”

Accordingly, *Rautila* cannot anticipate claim 6.

Claim 10, though of different scope than claim 6, is allowable over *Rautila*, for at least the same reason as claim 6. Claims 7-9 and 11-13 depend from claims 6 and 10, respectively, and are thus allowable over *Rautila*, for at least the same reason as claims 6 and 10.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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